

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

This matter is before the court on the motion to continue by defendant Todd H. Woods (Woods) (Filing No. 46). Woods seeks a continuance of the trial of this matter to after the first of the year due to medical emergencies with defense counsel's family and the defendant's work-contracting schedule. Counsel for the government has no objection to the motion. Woods has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Woods consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motions will be granted. **However, no further continuances of this matter will be granted absent a showing by affidavit that a manifest injustice would occur if the requested continuance were not granted.**

IT IS ORDERED:

1. Woods' motion to continue trial (Filing No. 46) is granted.
2. Trial of this matter is re-scheduled for **January 9, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 19, 2005 and January 9, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 19th day of September, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge